

**CITY OF MIRAMAR  
PROPOSED CITY COMMISSION AGENDA ITEM**

**First Reading Date:** October 4, 2023

**Second Reading Date:** November 1, 2023

**Presenter's Name and Title:** Frensky Magny, Senior Planner, Planning & Zoning Department

**Prepared By:** Frensky Magny, Senior Planner

**Temp. Ord. Number:** 1818

**Item Description:** **FIRST READING** OF TEMP. ORD. # 1818, AMENDING PORTIONS OF THE LAND DEVELOPMENT CODE; CREATING A NEW SUBSECTION REGARDING ACCESSORY USES AND STANDARDS; REPEALING SECTION 809, ACCESSORY USES AND STANDARDS; REPEALING TABLE 402-5 ACCESSORY USES—RESIDENTIAL DISTRICTS, WITHIN SECTION 402 RESIDENTIAL ZONING DISTRICTS, WITHIN CHAPTER 4 ZONING; AMENDING SECTION 808, OFF-STREET PARKING AND LOADING STANDARDS, CREATING NEW SECTION 505, ACCESSORY USES AND STANDARDS; REVISING CHAPTER 2, DEFINITIONS; MAKING FINDINGS; PROVIDING FOR SEVERABILITY AND INTERPRETATION; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING THAT OFFICIALS ARE AUTHORIZED TO TAKE ACTION; PROVIDING FOR CORRECTION OF SCRIVENER'S ERRORS; AND PROVIDING FOR AN EFFECTIVE DATE. *(Senior Planner Frensky Magny)*

Consent ☐ Resolution ☐ Ordinance ☒ Quasi-Judicial ☐ Public Hearing ☐

**Instructions for the Office of the City Clerk: None**

**Public Notice** – As required by the Sec. \_\_\_\_ of the City Code and/or Sec. \_\_\_\_, Florida Statutes, public notice for this item was provided as follows: on \_\_\_\_ in a \_\_\_\_ ad in the \_\_\_\_; by the posting the property on \_\_\_\_ and/or by sending mailed notice to property owners within \_\_\_\_ feet of the property on \_\_\_\_ (fill in all that apply)

**Special Voting Requirement** – As required by Sec. \_\_\_\_, of the City Code and/or Sec. \_\_\_\_, Florida Statutes, approval of this item requires a \_\_\_\_ (unanimous, 4/5ths etc.) vote by the City Commission.

**Fiscal Impact:** Yes ☐ No ☒

**REMARKS: NA**

**Content:**


- **Agenda Item Memo from the City Manager to City Commission**
- **Ordinance TO1818**
  - **Exhibit A: Section 809**

- **Exhibit B: Chapter 2 Definitions**
  - **Exhibit C: Section 505**
  - **Exhibit D: Table 505-1 Accessory Use Table**
  - **Exhibit E: Table 402-5 Accessory Use Residential Districts Table**
  - **Exhibit F: Section 808**
- **Attachment(s)**
  - **Attachment 1: Staff Report**



**CITY OF MIRAMAR  
INTEROFFICE MEMORANDUM**

**TO:** Mayor, Vice Mayor, & City Commissioners

**FROM:** Dr. Roy L. Virgin, City Manager 

**BY:** Eric Silva, Building, Planning & Zoning Department

**DATE:** September 28, 2023

**RE:** FIRST READING of Temp. Ord. No. 1818 Amendments to Land Development Code pertaining to accessory uses for development standards

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**RECOMMENDATION:** The City Manager recommends approval of Temp. Ord. No. 1818, amending the City's Land Development Code ("LDC") by creating Section 505, eliminating Section 809 updating standards for accessory uses and revising Chapter 2, definitions.

**ISSUE:** City Commission approval is required for any amendments to the Land Development Code.

**BACKGROUND:** The purpose of this amendment to the Land Development Code is to provide clear and concise standards for accessory uses in the City, based on careful research and analysis of development patterns both within the City and in surrounding areas. The City has utilized best practices and industry standards in developing these new standards in addition to allowing for greater flexibility in accommodating new accessory uses as they arise and believes that they will be effective in promoting responsible and sustainable development within the City.

Overall, the proposed amendment to the Land Development Code is intended to improve the clarity and consistency of the code while also addressing specific issues related to accessory uses. We believe that these changes will benefit both residents and developers in the city.

**DISCUSSION:** The Development Review Committee (“DRC”) recommended approval of the Land Development Code amendments on July 26, 2023. The Planning and Zoning Board recommended approval of the Land Development Code amendments on September 26, 2023, as it is consistent with the Comprehensive Plan, Future Land Use Map, and Land Development Code.

**ANALYSIS:** Staff believes that the proposed ordinance is consistent with the several elements, goals, objectives, and policies of the Comprehensive Plan, including:

***Future Land Use Element:***

**Goal:** Maintain a long-range future land use pattern that promotes the orderly and well-managed growth and development of the community, producing quality neighborhoods, enhancing the city’s aesthetic appeal, conserving the natural environment and open space, supporting a vibrant economic tax base, and minimizing risks to the public’s health, safety and welfare.

**Objective 1:** Promote orderly and beneficial growth and development of the community through the adoption, implementation, and consistent updating of this Future Land Use Element. Eliminate land uses that are inconsistent with Miramar’s character and do not contribute to the quality of life desired by its citizens by 2020.

**Objective 2:** By 2020, complete the full revision of the Land Development Code, which will ensure the protection of natural resources, discourage urban sprawl, promote “Smart Growth” and energy efficient development and land use patterns that account for existing and future electrical power generation and transmission systems in an effort to reduce greenhouse gases, encourage the use of innovative land development techniques, promote community aesthetics, ensure the availability of the infrastructure needed to support development, and comply with the Broward County Land Use Plan.

**Policy 2.1** The City shall enforce the Land Development Code provisions for minimum adequate stormwater management including wetland preservation/restoration, open space, including historic and archaeological sites, safe and convenient on-site traffic flow, adequate parking, landscaping and signage and standards and clustering of residential units, by 2020.

**Policy 5E.3** - Maintain and improve existing architectural, site, signage, lighting, and landscaping design standards contained in the City’s Land Development Code to guide the recommendations of City staff and the decisions of the Planning and Zoning Board, and City Commission.

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**CITY OF MIRAMAR  
MIRAMAR, FLORIDA**

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF MIRAMAR, FLORIDA, AMENDING PORTIONS OF THE LAND DEVELOPMENT CODE; CREATING A NEW SUBSECTION REGARDING ACCESSORY USES AND STANDARDS; REPEALING SECTION 809, ACCESSORY USES AND STANDARDS; REPEALING TABLE 402-5 ACCESSORY USES — RESIDENTIAL DISTRICTS, WITHIN SECTION 402 RESIDENTIAL ZONING DISTRICTS, WITHIN CHAPTER 4 ZONING; AMENDING SECTION 808, OFF-STREET PARKING AND LOADING STANDARDS, CREATING NEW SECTION 505, ACCESSORY USES AND STANDARDS; REVISING CHAPTER 2, DEFINITIONS; MAKING FINDINGS; PROVIDING FOR SEVERABILITY AND INTERPRETATION; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING THAT OFFICIALS ARE AUTHORIZED TO TAKE ACTION; PROVIDING FOR CORRECTION OF SCRIVENER'S ERRORS; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS,** the City of Miramar, the “City,” a Municipal Corporation of the State of Florida, desires to update the entire Land Development Code (“LDC”) in a phased manner with the intent to: promote form-based urban design and incorporate Smart Growth principles; embrace standards and uses that enhance the City's economic development, as well as redevelopment and infill development opportunities; eliminate and minimize conflicts; minimize the need for variances; and incorporate user-friendly language, graphics and tables to enhance readability and usability; and

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**WHEREAS**, this phase of LDC revision repeals Table 402-5 “ACCESSORY USES—RESIDENTIAL DISTRICTS” within Section 402 “Residential Zoning Districts,” within Chapter 4 “Zoning;” and

**WHEREAS**, this phase of LDC revision modifies Chapter 2, entitled “Definitions,” providing for new definitions; and

**WHEREAS**, this phase of LDC revision amends Section 808, entitled “Off-Street Parking and Loading Standards;” and

**WHEREAS**, the City has recognized the need to update its LDC to better address accessory use standards; and

**WHEREAS**, the current accessory use standards that are set forth in Chapter 8 Section 809 of the LDC, has become difficult to interpret; and

**WHEREAS**, the City desires to simplify and streamline the interpretation of the code by creating a new section in the LDC, Section 505, which will include a table outlining the new accessory use standards; and

**WHEREAS**, the City has undertaken a comprehensive process of research and analysis in order to identify the current development patterns throughout the City with respect to accessory uses; and

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**WHEREAS**, City staff has devoted considerable time and effort to gathering data and conducting analysis on the use of accessory structures and other uses within the City, including reviewing select photographs from Broward County Property Appraiser aerial imagery taken between 2006-2023 to better understand existing conditions, conducting site visits and engaging with stakeholders to better understand the needs and concerns of the community; and

**WHEREAS**, City staff has also researched and analyzed the development patterns and regulations as they pertain to accessory uses within surrounding cities in order to identify best practices and incorporate those practices into the new accessory use standards; and

**WHEREAS**, City staff has utilized resources including building permit applications, variance applications, and accessory use request submitted to the City in order to identify appropriate bulk regulations and additional standards for accessory uses moving forward; and

**WHEREAS**, the City Manager recommends repealing Section 809, "Accessory Uses and Standards" in its entirety (attached hereto as Exhibit "A"); amending Chapter 2 "Definitions" (attached hereto as Exhibit "B"); amending Section 505 "Accessory Uses and Standards" (attached hereto as Exhibit "C"); and creating Table 505-1 "Accessory Use" (attached hereto as Exhibit "D") repealing Table 402-5 "ACCESSORY USES—

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RESIDENTIAL DISTRICTS” within Section 402 “Residential Zoning Districts”, within Chapter 4 “Zoning” in its entirety (attached hereto as Exhibit “E”); amending Section 808 “Off-Street Parking and Loading Standards” (attached hereto as Exhibit “F”); as shown herein, to update and clarify certain regulatory requirements and procedures of the LDC; and

**WHEREAS**, the Planning and Zoning Board, sitting as the Local Planning Agency, has reviewed the City’s Comprehensive Plan and consistent with Section 163.3194, Florida Statutes, and Section 302.7(2) of the LDC, finds that this Ordinance is consistent with the goals, objectives, and policies of the Comprehensive Plan; and

**WHEREAS**, pursuant to Section 302.7 of the existing LDC, the Planning and Zoning Board has found that the proposed amendment is consistent with the authority and purpose of the LDC, because the LDC revisions will aid in the harmonious, orderly, and progressive development of the City by simplifying development requirements and assuring that the standards are consistent with the Comprehensive Plan; and

**WHEREAS**, pursuant to Section 302.6 of the LDC, the City Commission has reviewed this proposed amendment to the LDC, considered the general purpose and standards set forth in Chapter 3 of the LDC, and considered the recommendation of the Planning and Zoning Board; and

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**WHEREAS**, pursuant to Section 302.7 of the existing LDC, the City Commission finds that the proposed amendment is consistent with the goals, objectives, and policies of the City’s Comprehensive Plan; and

**WHEREAS**, pursuant to Section 302.7 of the existing LDC, the City Commission finds that the proposed amendment furthers the orderly development of the City by assuring development consistent with the Comprehensive Plan; and

**WHEREAS**, the City Commission hereby adopts the findings of the Planning and Zoning Board; and

**WHEREAS**, the City Commission deems it to be in the best interest of the citizens and residents of the City of Miramar to repealing Section 809, “Accessory Uses and Standards” in its entirety, amending Section 505 “Accessory Uses and Standards”; amending Chapter 2 “Definitions”; repealing Table 402-5 “ACCESSORY USES—RESIDENTIAL DISTRICTS” within Section 402 “Residential Zoning Districts”, within Chapter 4 “Zoning”; creating Table 505-1 “Accessory Use”; and amending Section 808 “Off-Street Parking and Loading Standards” as shown herein, to update and clarify certain regulatory requirements and procedures of the LDC.

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**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF  
MIRAMAR, FLORIDA AS FOLLOWS:**

**Section 1:** Recitals. The foregoing “**WHEREAS**” clauses are ratified and confirmed as being true and correct and are made a specific part of this Ordinance.

**Section 2:** That Section 809 of the Land Development Code of The City of Miramar, Florida, is hereby repealed to read as follows:

See Exhibit “A” attached hereto is hereby incorporated herein by this reference.

**Section 3:** That Chapter 2 of the Land Development Code of The City of Miramar, Florida, is hereby amended to read as follows:

See Exhibit “B” attached hereto is hereby incorporated herein by this reference.

**Section 4:** That Section 505 of the Land Development Code of the City of Miramar, Florida, is hereby amended to read as follows:

See Exhibit “C” attached hereto is hereby incorporated herein by this reference.

**Section 5:** That Table 505-1 of the Land Development Code of the City of Miramar, Florida, is hereby created to read as follows:

See Exhibit “D” attached hereto is hereby incorporated herein by this reference.

**Section 6:** That Table 402-5 “ACCESSORY USES—RESIDENTIAL DISTRICTS” within Section 402 “Residential Zoning Districts”, within Chapter 4 “Zoning” of the Land Development Code of The City of Miramar, Florida, is hereby repealed to read as follows:

See Exhibit “E” attached hereto is hereby incorporated herein by this reference.

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**Section 7:** That Section 808 of the Land Development Code of the City of Miramar, Florida, is hereby amended to read as follows:

See Exhibit "F" attached hereto is hereby incorporated herein by this reference.

**Section 8:** Each and every section and subsection of the City of Miramar Land Development Code not revised herein shall remain in full force and effect as previously adopted.

**Section 9: Severability.** The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, Section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby. In the event of a subsequent change in applicable law, so the provision which had been held invalid is no longer invalid, the provision shall thereupon return to full force and effect without further action by the City and shall thereafter be binding under this Ordinance.

**Section 10: Interpretation.** It is the intention of the City Commission, and it is hereby ordained, that the provisions and revisions of this Ordinance shall become and be made a part of the Code of the City of Miramar; that the sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions; and that the word "Ordinance" shall be changed to "Section" or other appropriate word. That in interpreting this Ordinance, underlined words indicate additions to existing text, and ~~stricken through~~ words include deletions from existing text. Asterisks (\* \* \*) indicate a deletion from the

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Ordinance of text, which exists in the Code of Ordinances. It is intended that the text in the Code of Ordinances denoted by the asterisks and do not set forth in this Ordinance shall remain unchanged from the language existing prior to adoption of this Ordinance. Amendments made to the Ordinance on second reading are highlighted.

**Section 11: Officials Authorized to Take Action.** The appropriate City officials are authorized to do all things necessary and expedient to carry out the intent and purpose of this Ordinance.

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**Section 12: Effective Date.** This Ordinance shall become effective immediately upon adoption.

**PASSED FIRST READING:** \_\_\_\_\_

**PASSED AND ADOPTED ON SECOND READING:** \_\_\_\_\_

\_\_\_\_\_  
Mayor, Wayne M. Messam

\_\_\_\_\_  
Vice Mayor, Alexandra P. Davis

ATTEST:

\_\_\_\_\_  
City Clerk, Denise A. Gibbs

I HEREBY CERTIFY that I have approved  
this ORDINANCE as to form:

\_\_\_\_\_  
City Attorney,  
Austin Pamies Norris Weeks Powell, PLLC

**Requested by Administration**

Commissioner Winston F. Barnes  
Commissioner Maxwell B. Chambers  
Commissioner Yvette Colbourne  
Vice Mayor Alexandra P. Davis  
Mayor Wayne M. Messam

**Voted**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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# EXHIBIT A

## **Sec. 809. Accessory Uses and Standards.**

~~809.1. General. No accessory uses shall be permitted in a required yard or bufferyard area, except as set forth below. In no event shall an accessory use be construed to authorize a use not otherwise permitted in the district in which the principal use is located and in no event shall an accessory use be established prior to the principal use to which it is accessory. No permanent structures shall be permitted in utility easements without the prior written approval of the appropriate utilities and the concurrence of the city.~~

~~809.2. Awnings and Canopies. The definition of an awning or canopy shall be as provided for in the South Florida Building Code. Except for single-family and duplex residences, awnings and canopies are subject to Community Appearance Board (CAB) approval.~~

~~809.2.1. Awnings. An awning may be located at any window provided it is architecturally integrated into the building's design and color. The maximum height and width of an awning shall be limited to the minimum area required to cover a building's window. Awnings shall not be illuminated.~~

~~809.2.2. Canopies. A canopy may be located over any walkway adjacent to a building or over a building's entrance. The maximum height of a canopy shall be 12 feet. The minimum height of the structural frame shall be seven and one-half feet. The maximum width of a canopy shall be limited to the width of the sidewalk or entry way that it is covering. Illumination of a canopy shall be limited to the minimum illumination required for safe pedestrian passage under the canopy.~~

~~809.3. Antennas, Antenna Towers and Dish Antennas:~~

~~809.3.1. HAM radio antennas and towers. Antenna towers or antenna masts for use by amateur (HAM) radio operators who are licensed by the Federal Communications Commission shall be constructed in accordance with the following provisions:~~

- ~~(a) The height of any such permitted tower or mast and antenna shall not exceed 55 feet when fully extended.~~
- ~~(b) The height of any such push-up mast and antenna shall not exceed 35 feet when fully extended.~~
- ~~(c) The maximum permitted width of a tower shall not exceed 18 inches on a square or triangular tower.~~
- ~~(d) The maximum permitted diameter of a mast or push-up mast shall not exceed nine inches.~~
- ~~(e) The antenna and all support structures and cables shall be located in the rear yard and meet the same setback requirements as the principal structure.~~
- ~~(f) Shall comply with National Electric Code and Federal regulations governing amateur radio.~~
- ~~(g) Must maintain an eight-foot clearance from pole lines.~~

~~809.3.2. Citizens' radio station. All antennas and supporting structures associated or used in conjunction with a citizens' radio station, licensed by the Federal~~

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Communications Commission, operated from a fixed location, must comply with one of the following provisions:

- ~~(a) A ground mounted antenna and its supporting structure shall not exceed 20 feet in height above ground level.~~
- ~~(b) An antenna attached to a man-made structure shall not be higher than 20 feet above the structure. No citizens' radio station antenna shall exceed a height of 40 feet from ground level.~~
- ~~(c) The antenna and all support structures and cables shall be located in the rear yard and meet the same setback requirements as the principal structure.~~
- ~~(d) Shall comply with National Electric Code and Federal regulations governing amateur radio.~~
- ~~(e) Must maintain an eight foot clearance from pole lines.~~

~~809.3.3. Dish antennas in residential zoning districts. Dish antennas shall be permitted in all residential zoning districts subject to the following criteria:~~

- ~~(a) Location and setbacks. Except for roof-mounted antennas, all dish antennas shall be located to the rear of the principal building and shall not encroach into the following setbacks: (measured from edge of dish in the horizontal position)~~
  - ~~(i) Rear yard. For ground mounted antennas the rear yard setback shall be equivalent to the height of the antenna or the structural setback applicable to the property, whichever is less.~~
  - ~~(ii) Side yard. For all antennas, the minimum setback to a side lot line shall be the same as for a principal building in the district in which the antenna is located.~~
- ~~(b) Maximum size. The maximum diameter of any dish antenna in a residential zoning district shall be 12 feet.~~
- ~~(c) Maximum height. The maximum height of the various permitted antenna types shall be as follows.~~
  - ~~(i) Roof mounted. The maximum height of any roof mounted dish antenna shall be no higher than the diameter of the dish. No residential structure under three stories in height shall mount an antenna on the roof.~~
  - ~~(ii) Pole mounted. All pole mounted antennas shall be directly adjacent to and connected to the main structure, and shall extend no higher than six feet above the roof line.~~
  - ~~(iii) Ground mounted. The maximum height of a ground mounted antenna shall be equal to the diameter of the dish.~~
- ~~(d) Screening, ground mount. For ground mounted dish antennas, a fence, wall, hedge, trees, berm, or any combination thereof shall be provided as specified below to obscure the view of the antenna from adjacent parcels. Fences or walls used as screening shall be installed at a minimum height of five feet except where such height would interfere with the satellite signals to the extent of~~

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causing deterioration in reception quality. When screening material is provided on a property line or otherwise within normal required setback areas, the maximum height of the screening, except for trees, shall be six feet. When vegetative material other than trees is provided, the height at time of planting shall be a minimum of two feet and must attain opacity and a minimum height of three feet within one year from date of planting under normal growing conditions.

- ~~(e) *Number permitted.* One dish antenna shall be permitted per single-family or duplex unit. For all other multi-family dwelling unit types only one dish antenna shall be permitted per unified development project, additional antennas may be permitted through conditional use approval.~~
- ~~(f) *Anchorage.* Dish antennas shall be anchored securely to the ground or building and otherwise installed in conformance with the requirements of the South Florida Building Code, Broward County Edition.~~
- ~~(g) *Maintenance.* Following installation, dish antennas and related appurtenances must be maintained in good operable condition and surrounding landscaping shall be maintained in good, healthy condition so as to provide maximum opacity.~~

~~809.3.4. *Dish antennas in nonresidential zoning districts.* Dish antennas shall be permitted uses in all nonresidential zoning districts subject to the criteria of this section. Dish antennas which do not meet the criteria of this section shall require conditional use approval.~~

- ~~(a) *Location and setbacks.* Except for roof-mounted antennas, all dish antennas shall be located to the rear or side of the principal building and shall not encroach into the setbacks established herein.~~
  - ~~(i) *Rear yard.* For ground mounted antennas the rear yard setback shall be equivalent to the height of the antenna or the structural setback applicable to the property, whichever is less.~~
  - ~~(ii) *Side yard.* For all antennas, the minimum setback to a side lot line shall be the same as for a principal building in the district in which the antenna is located.~~
- ~~(b) *Maximum size.* The maximum diameter of any dish antenna in a nonresidential zoning district shall be 30 feet. If the antenna is proposed to be located on land adjacent to property designated residential on the land use plan or residentially zoned property, the maximum diameter of the dish shall be 12 feet.~~
- ~~(c) *Maximum height.* The maximum height of ground mounted dish antennas shall be no higher than the dish's diameter or the height of a structure, whichever is less. The maximum height of a roof or pole mounted antenna shall be no higher than one and one-half times the height of a structure measured from the ground.~~
- ~~(d) *Screening, ground mount.* Ground mounted antennas shall be screened around the base of the structure with a five-foot wide continuous landscape buffer. The minimum height of vegetation shall be three feet.~~

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- ~~(e) *Number permitted.* Only one antenna per united development or parcel of land shall be permitted. Additional antennas may be permitted through conditional use approval.~~
- ~~(f) *Anchorage.* Dish antennas shall be anchored securely to the ground or building and otherwise installed in conformance with the requirements of the South Florida Building Code, Broward County Edition.~~
- ~~(g) *Maintenance.* Following installation, dish antennas and related appurtenances must be maintained in good operable condition and surrounding landscaping shall be maintained in good, healthy condition so as to provide maximum opacity.~~

~~809.4. *Carports.* Carports shall comply with the structural setbacks of the zoning district in which they are proposed to be located. Polyvinyl chloride (PVC) pipe is expressly prohibited. Any carport lawfully established prior to the adoption of this Code which does not comply with the structural setbacks of the zoning district may remain as a nonconforming use subject to the provisions of the nonconforming chapter of this Code.~~

~~809.5. *Domestic Pet Shelters.* One pet shelter or pen for domestic household animals shall be permitted in any residential district, subject to the following:~~

- ~~(a) No pet shelter or pen shall be permitted within the required front yard area, or within utility, drainage or access easements.~~
- ~~(b) The structure must be set back at least six feet from the side and rear lot lines.~~
- ~~(c) No more than a total of three dogs or other common domestic household animals over six months of age shall be permitted on any residential lot except within the estate or rural districts. Within the estate or rural districts domestic animals may exceed these limitations subject to the section regulating "farm animals."~~
- ~~(d) The maximum size of any domestic pet shelter shall not exceed 15 square feet in area. Any structure in excess of 15 square feet shall be restricted to the rural and estate zoning districts and subject to the limitations for farm animals.~~
- ~~(e) Domestic pet shelters and pens shall be maintained in a clean and neat manner consistent with the City Code.~~

~~809.6. *Reserved.*~~

~~809.7. *Fences and Walls.*~~

~~809.7.1. *Defined.* A fence or wall is a barrier constructed of manmade materials. A wall is a concrete or block structure.~~

~~809.7.2. *Fences on residential lots.* Fences on a residential lot shall be limited to six feet in height. Barbed wire and other similar material shall not be permitted on a fence or wall within a residential district. Fences and walls shall not be permitted within a required front yard, except as provided for herein. In all zoning districts, only pressure treated pine, redwood, cypress, black locust and cedar wood shall be acceptable for wood fence construction. All wood fencing shall have a nominal thickness of one inch.~~

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~~A fence or wall may be permitted within a required front yard only within the rural and estate zoning districts. Within the rural and estate districts, fences or walls in a required front yard may be constructed up to a maximum height of six feet, subject to the requirements of the clear sight triangles contained in this Code. Fences in a required front yard shall not be permitted to create a visible obstruction; only split rail, farm style or other open type fence shall be permitted.~~

~~809.7.3. Residential parcel perimeter and entry walls. Uniform walls may be erected within a required bufferyard and at the access driveway entrances to residential development parcels. The wall shall be located at the interior edge of a bufferyard. Typical elevations, materials and the location of the wall shall be shown on a final site plan. Barbed wire and other similar material shall not be permitted. Walls shall be designed to discourage graffiti.~~

~~809.7.4. Walls and fences on nonresidential parcels. Walls shall be permitted within a required bufferyard at the perimeter of nonresidential parcels, they shall not be permitted within a required front yard. Fences within nonresidential zoning districts adjacent to residential property shall not exceed eight feet in height. Fences and walls within nonresidential property adjacent to nonresidential property shall not exceed ten feet in height. Barbed wire and other similar material may be placed on a fence which secures a storage or freight area; however, this material shall not be permitted at the perimeter of a property visible from a right-of-way. Typical elevations, materials and the location of the fence shall be shown on a final site plan.~~

~~809.7.5. Fences within easements. Fences, walls and landscaping shall not be permitted within a utility easement prior to the issuance of a permit. To locate a fence or wall in any easement an encroachment agreement shall be required. Said encroachment agreement shall only apply to properties platted after January 1, 1996. If a permit is issued, access to any easements shall be granted when required by any utility. A utility company or franchise shall not be responsible for damage to a fence, wall or landscaping within an easement.~~

~~809.7.6. Maintenance. Fence or wall shall be finished and maintained in good condition and appearance. The finished side of all shadowbox and stockade fences shall face outward to the abutting property or right-of-way; exceptions may be granted for the side and rear yard portions of the fence, which are not facing a right-of-way, if there is an existing fence on the adjacent property.~~

~~809.8. Flagpoles and Flags. Flagpoles and flags shall be permitted in all districts subject to provisions of the Sign Code. Flagpoles in RS Zoning Districts shall not be greater than 20 feet in height above ground. In all other zoning districts, the maximum height of a flagpole shall be the maximum structure height for the district in which the flagpole is located or 40 feet whichever is less, unless the flagpole is serving as a stealth telecommunications tower, where 150 feet maximum is permitted.~~

~~809.9. Gazebos and Pergolas. Gazebos shall be permitted in all residential districts, subject to the following:~~

- ~~(a) Gazebos and pergolas shall not be permitted within the required front yard area, or within utility, drainage, landscape bufferyard or access easements.~~

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~~(b) Gazebos and pergolas must be set back at least six feet from the side and rear lot lines.~~

~~(c) Gazebos shall have a maximum area (footprint) of 625 square feet. Pergolas may have a maximum area of up to 1,000 square feet.~~

~~809.10. Play equipment.~~ Play equipment shall be permitted in any residential district, subject to the following:

~~(a) No permanently installed play equipment, except basketball hoops, shall be permitted within the front setback, ten feet of a right-of-way, or within utility, drainage or access easements.~~

~~(b) No play equipment shall use street right-of-way as part of playing area.~~

~~(c) Permanently installed play equipment shall be of a common playground type designed for children.~~

~~(d) All basketball hoops and backboards in front yard areas shall be permitted on the front of the building or on a pole in the driveway only. Basketball poles shall be located no closer than ten feet to any property line.~~

~~809.11. Screen enclosures.~~ Screen enclosures shall be permitted in all residential zoning districts, subject to the following:

~~(a) No screen enclosure shall be permitted in the required front yard or within utility, drainage or access easements.~~

~~(b) No screen enclosure may be converted to an enclosed structure unless the converted structure would comply with all standards of the applicable zoning district.~~

~~(c) Screen enclosures with a screen roof shall meet the following setback requirements:~~

~~(1) The side yard setback shall be the same as the structural setback requirement of the zoning district.~~

~~(2) The rear yard setback shall be a minimum five feet from the rear lot line.~~

~~(d) Screen enclosures with a solid roof shall meet the following setback requirements:~~

~~(1) The side yard setback shall be the same as the structural setback requirement of the zoning district.~~

~~(2) The rear yard setback shall be 15 feet or the same as the structural setback, whichever is less.~~

~~809.12. Swimming pools and spas.~~ Swimming pools and spas shall be permitted in all residential zoning districts, subject to the following:

~~(a) No swimming pools or spas shall be permitted within the required front yard area, or within utility, drainage or access easements. Swimming pools shall be required to have a safety barrier as provided for in the Miramar City Code.~~

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- ~~(b) Above-ground pools and spas which exceed 24 inches in height must meet all structural setback requirements.~~
- ~~(c) The following setback requirements shall apply to swimming pools and spas:
  - ~~(1) The side yard setbacks to the water's edge shall be two feet plus the required side yard structure setback.~~
  - ~~(2) The rear yard setback shall be seven feet from the water's edge to rear lot line.~~~~
- ~~(d) Any pool for a nonresidential development shall meet the structural setbacks for the district in which it is located and all required governmental agency standards.~~

### ~~809.12.1. Safety barrier required, specifications.~~

- ~~(a) *Specifications.* No swimming pool final inspection and approval shall be given by the community development department unless there has been erected a safety barrier. The safety barrier shall take the form of a screened-in patio, a wooden fence, a concrete block wall. The minimum height of the safety barrier shall be not less than four (4) feet. The safety barrier shall be erected either around the swimming pool or around the premises on which the swimming pool is erected; in either event, it shall enclose the area entirely, prohibiting unrestrained admittance to the enclosed area. Gates shall be of the spring lock type, so that they shall automatically be in a closed position at all times. Gates shall also be equipped with a self-latching lock and shall be locked when the swimming pool is not in use. Other safety requirements may apply based on the current Florida Building Code.~~
- ~~(b) *Permits required.* Before any work is commenced, permits shall be secured for all swimming pools and for the safety barriers. Plans shall contain all details necessary to show compliance with the terms and conditions of these regulations. No swimming pool permit shall be issued unless simultaneously therewith a permit is secured for the erection of the required safety barrier; if the premises are already enclosed, as herein before provided, a permit for the safety barrier shall not be required, if, upon inspection of the premises, the existing barrier is proven to be satisfactory.~~
- ~~(c) *Construction specifications of walls and fences.* In the wooden type fence, the boards, pickets, louvers, or other such members, shall be spaced, constructed, and erected, so as to make the fence nonclimbable and impenetrable. Walls, whether of the rock or block type, shall be so erected to make them nonclimbable.~~
- ~~(d) *Authority to disapprove barriers.* It shall be within the discretion of the building inspector to refuse approval of any barrier which does not furnish the safety requirements of this regulation, i.e., that it is high enough and so constructed to keep the children of pre-school age from getting over or through it.~~
- ~~(e) *Maintenance of safety barrier; duty of owner, occupant.* It shall be the responsibility of the owner and/or occupant of the premises containing the~~

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swimming pool to maintain and keep in proper and safe condition at all times the safety barrier required and erected in accordance with this article

~~(f) *Maintenance of pool; duty of owner, occupant.* It shall be the responsibility of the owner and/or occupant of the premises containing a swimming pool to keep such pool from becoming a health hazard to the community by becoming a breeding ground for mosquitoes, or by any other means. In the event any person owning or occupying the premises containing a swimming pool permits the safety barrier to become in an improper and unsafe condition, or permits the swimming pool to become a health hazard to the community, the city may direct a letter by certified mail to the owner or occupant of such premises, advising such owner or occupant that the city will have such safety barrier put in a proper and safe condition or correct the health hazard of the swimming pool within a period of ten days from receipt of such letter. The city shall be authorized to place a lien on the property not in compliance with this section in order to recover the costs associated with enforcement of this section.~~

~~(g) *Temporary fence to enclose swimming pools while under construction.* No person shall construct or cause to be constructed any swimming pools unless such swimming pool is completely enclosed by a fence with a minimum height of not less than four (4) feet. Such fence may be of a temporary nature but in lieu of a permanent fence, a temporary fence must be erected either around the swimming pool or around the premises on which the swimming pool is under construction; in either event, it shall enclose the area entirely, prohibiting unrestrained admittance to the enclosed area. However, the swimming pool need not be completely enclosed during those periods when an adult person is present on the site and actual construction is in process. This section shall only affect those pools under construction within 140 feet of any residence upon which a certificate of occupancy has been issued. The 140 feet shall be measured from the edge of the swimming pool to the closest property line containing such residence by straight line measure.~~

~~809.13. *Utility Sheds.* Utility sheds shall be permitted in all residential, B1, B2, B3 and CF districts, subject to the following:~~

~~(a) *Number.* A maximum of one utility shed shall be permitted for each parcel or lot, except that on lots or parcels located within the Rural (RL), Suburban Estate (E), and Estate (RS1) zoning districts, a maximum of two shall be permitted. A duplex or triplex may have one shed for each dwelling unit. One shed is permitted per property in commercial and community facility zones.~~

~~(b) *Location.* Shall not be permitted in any required front area or within utility, drainage landscape bufferyard or access easements. In commercial and CF zones, sheds must be in the rear yard and not be visible from a public roadway.~~

~~(c) *Size and height.* The maximum area shall be no more than 100 square feet in footprint and eight feet in height, except that on lots or parcels located within the Rural (RL), Suburban Estate (E), and Estate (RS1) zoning districts, up to 240 square feet of total combined footprint area (e.g., one 240 square foot shed or~~

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two 120-square-foot sheds), and ten feet in height are permitted. In commercial and CF zones, sheds are permitted up to 200 square feet.

~~(d) *Setbacks:* Rear and side setbacks for utility sheds on single-family and duplex lots shall be a minimum of three feet from the lot lines as long as they are not within any easements; except that on lots or parcels located within the Rural (RL), Suburban Estate (E), and Estate (RS1) zoning districts, utility sheds that exceed 100 square feet in area and/or ten feet in height; must maintain a minimum 25-foot side and rear setback. In commercial and CF zones, sheds must be located at least 10 feet from the rear property line and are subject to the setback and landscape bufferyard requirements of the zoning district.~~

~~(e) Except for lots containing single-family and duplex residences, which are subject to paragraph (d) above, utility sheds within RM multi-family districts are subject to the setback and landscape bufferyard requirements of the zoning district.~~

~~(f) Utility sheds are to be used for storage only. No plumbing connections are permitted.~~

~~(g) Use of utility sheds for residential purposes is strictly prohibited.~~

~~809.14. *Utility/Mechanical Equipment.* Utility and mechanical used for a building's operation which is located outside the building shall only be located in a rear or side yard. The equipment shall not be located within a utility easement unless it is equipment serving that specific easement. The minimum distance from a property line to the structure shall be no less than the structure's height. All equipment shall be screened from view by landscape materials as provided for in this Code. These requirements shall not apply to municipal or franchise utilities such as power, phone, cable, communication or drainage equipment which is located within a public utility easement.~~

~~809.15. *Waterfront Lands.* A rear yard setback of 20 feet from the rear or waterfront line measured landward therefrom shall be provided and no building construction, to include principal and accessory, shall be permitted in this setback.~~

~~809.16. *Docks; Construction Requirements.* Prior to the construction of a dock within the city, the owner shall obtain approval of the proposed construction from the community development department and appropriate drainage district. The amount of a dock protruding onto public property shall be at the discretion of the community development department and based upon waterway width. In no case shall protrusion onto public property exceed 15 feet. Docks shall be kept in a constant state of repair by the owner. Any dock not properly constructed or maintained must be removed at the direction of the community development department within 15 days of receipt of notice.~~

~~809.17. *Patios on Single-Family, Duplex and Fee-Simple Multi-Family Lots; Setback Requirements and Provision of On-Site Drainage.*~~

~~(a) *Side setback:* Same as required structure setback; however patios on attached multi-family units must maintain at least a 2 foot side setback.~~

~~(b) *Rear setback:* Five feet and outside of any dedicated easements.~~

~~(c) *Drainage provision.* Rainwater runoff must be maintained on the property. Rainwater shall not be allowed to flow onto or across any adjoining property or~~

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~~sidewalk, either public or private. Exception: Rainwater may flow into a street gutter, storm sewer, or storm sewer catch basin if first approved by the engineering department.~~

### ~~809.18. Walkways on Single-Family, Duplex and Multi-Family Lots; Setback Requirements and Provision of On-Site Drainage.~~

- ~~(a) Setback requirement. All walkways or sidewalks within single-family and duplex and multi-family lots shall be set back a minimum of two feet from the side or rear property line.~~
- ~~(b) Drainage provision. Water runoff must be maintained on the property. Rainwater shall not be allowed to flow onto or across any adjoining property or sidewalk, either public or private. Exception: Rainwater may flow into a street gutter, storm sewer, or storm sewer catch basin, if first approved by the City Engineer.~~

~~809.19. Reserved.~~

### ~~809.20. Rooftop Photovoltaic Solar Systems.~~

- ~~(1) Intent. The provisions contained herein are intended to promote the health, safety, and general welfare of the citizens by removing barriers to the installation of alternative energy systems and encourage the installation of rooftop photovoltaic solar systems pursuant to the U.S. Department of Energy Rooftop Solar Challenge Agreement Number DE-EE0005701 ("Go SOLAR Broward Rooftop Solar Challenge") on buildings and structures within municipal limits. The provisions and exceptions contained herein are limited to rooftop photovoltaic solar systems permitted through web-based applications for pre-approved rooftop photovoltaic solar system installations that utilize the Go SOLAR Broward Rooftop Solar Challenge permitting process.~~
- ~~(2) Reserved.~~
- ~~(3) Permitted accessory equipment. Rooftop photovoltaic solar systems installed pursuant to this subsection shall be deemed permitted accessory equipment to residential and commercial conforming and nonconforming buildings and structures in all zoning categories. Nothing contained in this Land Development Code, including design standards or guidelines included or referenced herein, shall be deemed to prohibit the installation of such rooftop photovoltaic solar systems as accessory equipment to conforming and nonconforming buildings, including buildings containing nonconforming uses.~~
- ~~(4) Height. In order to be deemed permitted accessory equipment, the height of rooftop photovoltaic solar systems shall not exceed the roof line, as defined in Chapter 2. For flat roofs with or without a parapet, in order to be deemed accessory equipment, the rooftop photovoltaic solar system shall not be greater than five feet above the roof.~~
- ~~(5) Permits. Prior to the issuance of a permit, the property owner(s) must acknowledge, as part of the permit application, that: (a) if the property is located in a homeowners' association, condominium association, or otherwise subject to restrictive covenants, the property may be subject to additional regulations or~~

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~~requirements despite the issuance of a permit by the city; and (b) the issuance of said permit for a rooftop photovoltaic solar system does not create in the property owner(s), its, his, her, or their successors and assigns in title, or create in the property itself a right to remain free of shadows and/or obstructions to solar energy caused by development adjoining on other property or the growth of any trees or vegetation on other property or the right to prohibit the development on or growth of any trees or vegetation on another property.~~

~~(6) *Tree maintenance and removal.* To the extent that the city has discretion regarding the removal or relocation of trees, solar access shall be a factor taken into consideration when determining whether and where trees may be removed or relocated.~~

~~(7) *Maintenance.* The rooftop photovoltaic solar system shall be properly maintained and be kept free from hazards, including, but not limited to, faulty wiring, loose fastenings, being in an unsafe condition or detrimental to public health, safety, or general welfare.~~

### ~~809.21 Shipping Containers:~~

~~809.21.1 Shipping containers may be permitted in residential zoning districts, as affordable housing units, provided that they meet Florida Building Code requirements, and that the exterior facades are architecturally compatible with the adjacent properties in the community. The developers of such structures are hereby advised that proposed buildings that are located within a homeowner or condominium association may be subject to that association's approval.~~

~~809.21.2 Shipping containers may be permitted in non-residential and mixed-use zoning districts, as a temporary use, provided that they meet Florida Building Code requirements, that a Temporary Use Permit (TUP) is obtained from the city, and that the exterior facades are deemed to be either architecturally compatible with the adjacent properties in the community or architecturally interesting.~~

~~809.21.3 Shipping containers may be permitted in non-residential and mixed-use zoning districts, as a permanent use, provided that they meet Florida Building Code requirements, and are subject to DRC and CAB approval, provided that the exterior facades are either architecturally compatible with the adjacent properties or are architecturally interesting.~~

~~809.21.4 All modified and repurposed shipping containers shall require a building permit and receive a certificate of occupancy prior to use regardless of temporary or permanent use.~~

### ~~809.21.5 Design standards:~~

~~(a) *Height:* The total height of the structure shall be the maximum height allowed on the zoning district where the proposed structure will be placed.~~

~~(b) *Setbacks:* Modified and repurposed shipping containers shall maintain the same setbacks as principal structure in the designated zoning district.~~

~~(c) *Structure:* All modified and repurposed shipping containers shall either be designed with wall covers, themed mural images, or provide a see-through~~

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~~frontage area. Wall covers are required on all sides of the structure not painted with a mural image.~~

### ~~809.22 Solar Energy Systems.~~

~~809.22.1 Solar energy systems are hereby permitted in PID and U districts as a principal use and in all zoning districts as an accessory use to a permitted principal use subject to the setbacks and standards of accessory uses in the applicable zoning district and the specific criteria set forth in this section.~~

~~809.22.2 Solar energy systems may have a maximum height of fifteen (15) feet for ground-mounted systems.~~

~~809.22.3 For purposes of determining compliance with any building coverage standards of the applicable zoning district, the total horizontal projection area of all ground-mounted and freestanding solar collectors, including solar photovoltaic cells, panels, arrays, inverters, and so forth, shall be considered pervious coverage so long as pervious conditions are maintained underneath the solar photovoltaic cells, panels, and arrays.~~

~~809.22.4 Solar energy systems shall be shown on a site plan, and are subject to DRC and CAB approval, and meet Florida Building Code requirements.~~

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Automotive installation and repair means a facility or establishment engaged in the installation, repair, and maintenance of automotive vehicles, including but not limited to mechanical, electrical, and body repairs.

Awning means a type of architectural feature that is attached to the exterior of a building. It typically consists of a frame and fabric or metal cover, and is designed to provide shade and shelter from the elements, such as rain or sunlight. Awnings can be freestanding or attached to the building, and may be used for both residential and commercial properties.

Call center means a facility or office where a large number of telecommunication operators or customer service representatives handle incoming or outgoing calls for customer support, sales, or other communication purposes.

College/University means an institution of higher education that offers undergraduate and/or postgraduate programs, including academic courses, research, and vocational training.

Community center means a facility or building, open to the public, that is used for gatherings, events, and activities, often providing recreational, cultural, and social services to the community.

Commuter College/University means any private college or university campus which is intended primarily to meet the needs of part-time and working students, which is located within a shopping center or office park, and which meets the following criteria: i) the campus is designed without any residential dormitories, athletic facilities, performance venues, and other facilities which are typically provided in college campuses to service full-time students, and ii) the square footage of all college and university campuses within the shopping center or office park consists of no more than 150,000 square feet of total building space or ten (10) percent of the square footage of the shopping center or office park, whichever is lower. A cafeteria/food court and school store selling new and used books and sundries for the convenience of students shall be considered as an ancillary use in connection with commuter college/university facilities provided that the square footage of such uses does not exceed ten (10) percent of the total square footage of the facility.

Decorative sign pole means a freestanding structure designed to support and display decorative signs or banners, often used for advertising, road signs (e.g. Stop signs) or wayfinding purposes.

Fence means a structure that is used to enclose or separate different areas of land or used to limit or control access to a specific area of land or property.

Hookah and tobacco lounges/cigar bars means establishments where patrons can smoke hookah, tobacco, or cigars, often providing a relaxed and social atmosphere.

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**Pergola/Trellises.** An accessory structure usually consisting of parallel colonnades supporting an open roof of girders and cross rafters. A pergola is built as an outdoor sitting area with lattice or open slat roof for partial shade. Pergolas are typically freestanding, but may be attached to the wall of the primary structure. Structures with a thatch-type roof, including, but not limited to, tiki huts, shall not constitute a pergola.

**Wall** means a concrete or block structure enclose or separate different areas of land or used to limit or control access to a specific area of land or property

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## Section 505. Accessory Uses and Standards.

505.1. General Purpose. The purpose of this section is to provide clear guidelines and regulations for the use of accessory structures and land within residential, commercial, and industrial properties. The code outlines the acceptable types of accessory uses, establishes standards for their design and construction, and sets limitations on their size, location, and impact on the surrounding properties and community.

This code aims to strike a balance between the property owners' right to use their land and the need to preserve the safety, health, and welfare of the community. The regulations will help to ensure that accessory uses do not create nuisances, hazards, or other negative impacts on the surrounding properties and environment. No accessory uses shall be permitted in a required yard or bufferyard area, except as set forth in the code. In addition, no accessory use shall be authorized to permit a use not otherwise permitted in the district where the principal use is located and that no accessory use can be established prior to the principal use to which it is accessory. Permanent structures are also not allowed in utility easements without the written approval of the appropriate utilities and the concurrence of the city.

By providing clear and concise regulations for accessory uses, this code will promote orderly and efficient land use and development and protect the quality of life in the community. It will also provide property owners with the certainty they need to make informed decisions about the use of their land and accessory structures.

505.2 Other Accessory Uses. This code provides guidelines for the majority of accessory uses that are permitted. However, there may be instances where accessory uses not specifically delineated in this code section may be deemed acceptable. In these cases, approval of the accessory use may be granted by the Director of Planning or their designee.

The Director will consider the specific circumstances of each case and make a determination based on the principles and similar uses outlined in this code section, including compatibility with the surrounding properties, public health and safety, and preservation of the community's quality of life. Property owners seeking approval of an accessory use not specifically described in this code section should submit a request in writing to the Director, along with any relevant information or plans.

505.3 Accessory Use Table and Specific Standards. The following table "TABLE 505-1" provides regulations for each accessory use permitted within the city limits. Some uses and structures require additional regulations which may be found in the corresponding sections stated within the table.

{INSERT TABLE 505-1}

## 505.4 Antennas, Antenna Towers and Dish Antennas:

505.4.1 HAM radio antennas and towers. Antenna towers or antenna masts for use by amateur (HAM) radio operators who are licensed by the Federal Communications Commission shall be constructed in accordance with the following provisions:

- (a) The height of any such permitted tower or mast and antenna shall not exceed 55 feet when fully extended.
- (b) The height of any such push-up mast and antenna shall not exceed 35 feet when fully extended.
- (c) The maximum permitted width of a tower shall not exceed 18 inches on a square or triangular tower.
- (d) The maximum permitted diameter of a mast or push-up mast shall not exceed nine inches.

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- (e) The antenna and all support structures and cables shall be located in the rear yard and meet the same setback requirements as the principal structure.
- (f) Shall comply with National Electric Code and Federal regulations governing amateur radio.
- (g) Must maintain an eight-foot clearance from pole lines.

505.4.2 Citizens' radio station. All antennas and supporting structures associated or used in conjunction with a citizens' radio station, licensed by the Federal Communications Commission, operated from a fixed location, must comply with one of the following provisions:

- (a) A ground mounted antenna and its supporting structure shall not exceed 20 feet in height above ground level.
- (b) An antenna attached to a man-made structure shall not be higher than 20 feet above the structure. No citizens' radio station antenna shall exceed a height of 40 feet from ground level.
- (c) The antenna and all support structures and cables shall be located in the rear yard and meet the same setback requirements as the principal structure.
- (d) Shall comply with National Electric Code and Federal regulations governing amateur radio.
- (e) Must maintain an eight-foot clearance from pole lines.

505.4.3 Dish antennas in residential zoning districts. Dish antennas shall be permitted in all residential zoning districts subject to the following criteria:

- (a) Location and setbacks. Except for roof-mounted antennas, all dish antennas shall be located to the rear of the principal building and shall not encroach into the following setbacks: (measured from edge of dish in the horizontal position)
  - i. Rear yard. For ground mounted antennas the rear yard setback shall be equivalent to the height of the antenna or the structural setback applicable to the property, whichever is less.
  - ii. Side yard. For all antennas, the minimum setback to a side lot line shall be the same as for a principal building in the district in which the antenna is located.
- (b) Maximum size. The maximum diameter of any dish antenna in a residential zoning district shall be 12 feet.
- (c) Maximum height. The maximum height of the various permitted antenna types shall be as follows.
  - i. Roof mounted. The maximum height of any roof mounted dish antenna shall be no higher than the diameter of the dish. No residential structure under three stories in height shall mount an antenna on the roof.
  - ii. Pole mounted. All pole mounted antennas shall be directly adjacent to and connected to the main structure, and shall extend no higher than six feet above the roof line.
  - iii. Ground mounted. The maximum height of a ground mounted antenna shall be equal to the diameter of the dish.
- (d) Screening, ground mount. For ground mounted dish antennas, a fence, wall, hedge, trees, berm, or any combination thereof shall be provided as specified below to obscure the view of the antenna from adjacent parcels. Fences or walls used as screening shall be installed at a minimum height of five feet except where such height would interfere with the satellite signals to the extent of causing deterioration in reception quality. When screening material is provided on a property line or otherwise within normal required setback areas, the maximum height of the screening, except for trees, shall be six feet. When vegetative material other than trees is provided, the height at time of planting shall be a minimum of two feet and must attain opacity and a minimum height of three feet within one year from date of planting under normal growing conditions.

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- (e) Number permitted. One dish antenna shall be permitted per single-family or duplex unit. For all other multi-family dwelling unit types only one dish antenna shall be permitted per unified development project, additional antennas may be permitted through conditional use approval.
- (f) Anchorage. Dish antennas shall be anchored securely to the ground or building and otherwise installed in conformance with the requirements of the South Florida Building Code, Broward County Edition.
- (g) Maintenance. Following installation, dish antennas and related appurtenances must be maintained in good operable condition and surrounding landscaping shall be maintained in good, healthy condition so as to provide maximum opacity.

505.4.4 Dish antennas in nonresidential zoning districts. Dish antennas shall be permitted uses in all nonresidential zoning districts subject to the criteria of this section. Dish antennas which do not meet the criteria of this section shall require conditional use approval.

- (a) Location and setbacks. Except for roof-mounted antennas, all dish antennas shall be located to the rear or side of the principal building and shall not encroach into the setbacks established herein.
  - i. Rear yard. For ground mounted antennas the rear yard setback shall be equivalent to the height of the antenna or the structural setback applicable to the property, whichever is less.
  - ii. Side yard. For all antennas, the minimum setback to a side lot line shall be the same as for a principal building in the district in which the antenna is located.
- (b) Maximum size. The maximum diameter of any dish antenna in a nonresidential zoning district shall be 30 feet. If the antenna is proposed to be located on land adjacent to property designated residential on the land use plan or residentially zoned property, the maximum diameter of the dish shall be 12 feet.
- (c) Maximum height. The maximum height of ground mounted dish antennas shall be no higher than the dish's diameter or the height of a structure, whichever is less. The maximum height of a roof or pole mounted antenna shall be no higher than one and one-half times the height of a structure measured from the ground.
- (d) Screening, ground mount. Ground mounted antennas shall be screened around the base of the structure with a five-foot wide continuous landscape buffer. The minimum height of vegetation shall be three feet.
- (e) Number permitted. Only one antenna per unified development or parcel of land shall be permitted. Additional antennas may be permitted through conditional use approval.
- (f) Anchorage. Dish antennas shall be anchored securely to the ground or building and otherwise installed in conformance with the requirements of the South Florida Building Code, Broward County Edition.
- (g) Maintenance. Following installation, dish antennas and related appurtenances must be maintained in good operable condition and surrounding landscaping shall be maintained in good, healthy condition to provide maximum opacity.

505.5 Awnings and Canopies. Except for single-family and duplex residences, awnings and canopies are subject to Community Appearance Board (CAB) approval. The accessory shall be architecturally integrated into the building's design and color.

505.6 Docks. The following section outlines the regulations for docks. These regulations are intended to ensure the safety of waterfront structures and maintain the aesthetic and environmental quality of the waterways. These regulations build upon existing guidelines while also taking into account the unique characteristics of the city's canal ways and lakes.

1. Location and Size: Docks may be permitted in any residential or commercial district on any waterway as an accessory use to a property. No boat landing, dock, pier, or mooring pile shall be constructed on a parcel of land which abuts or adjoins a body of water, the width of which body of water is

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less than 100 feet between the mean water's edge when measured perpendicular to the lot at any point of construction. No boat landing, dock, pier, or mooring pile shall be constructed on a lot which abuts or adjoins a body of water so that it extends as follows:

(a) Into the body of water more than 25% of the width of the body of water, when the width of the body of water is measured between the mean water's edge perpendicular to the lot at any point of construction.

(b) More than 20 feet beyond the mean water's edge, whichever of one or two is more restrictive and provides for the smaller dock.

2. Width and Height: No boat landing, dock, pier, or mooring pile shall be more than 20 feet in width, running parallel to the shoreline, and in no case shall the total area of the dock exceed 200 square feet. The dock height shall not exceed 5 feet above the mean water level.

3. Construction: No boat landing, dock, pier, or mooring pile shall be constructed without a permanent connection to the land. All docks shall be constructed of materials that are durable, weather-resistant, and non-polluting. The construction of all docks shall meet applicable engineering standards and the Florida Building Code.

4. Permitting: Prior to the construction of a dock, the owner shall obtain a permit from the community development department and appropriate drainage district. The permit shall include a survey as described in Section 318, a detailed site plan showing the location of the dock, its dimensions, the materials to be used, and any proposed lighting or other features.

5. Maintenance: Docks shall be kept in a constant state of repair by the owner. Any dock not properly constructed or maintained must be removed at the direction of the community development department within 15 days of receipt of notice.

6. Lighting: Any lighting associated with docks shall be designed and installed so as to minimize glare and light spillage onto adjacent properties and the waterway.

7. Easements: Approval must be obtained from applicable drainage districts for docks located in a maintenance or drainage easement.

8. Multiple Docks on non-residential parcels: Only on non-residential parcels, on lots having more than one building, no more than one dock shall be erected for each building fronting on a waterway. No more than two docks shall be permitted on any lot or adjacent thereto.

9. Environmental Protection: Docks shall be designed and constructed in a manner that minimizes adverse impacts to the waterway, including shoreline erosion, sedimentation, and water quality degradation. The owner shall comply with all applicable federal, state, and local laws and regulations related to environmental protection.

**505.7 Dumpster and Compactor Enclosures.** The following are land development regulations that apply to dumpster and compact enclosures not integrated within a principal structure:

(a) Location. Dumpster and compact enclosures shall be placed on the side and rear of the property to minimize their impact on adjacent properties and the surrounding environment. In no event shall the enclosure be less than 25 feet from a residential structure.

(b) Size and Capacity. Each enclosure shall provide sufficient clear space between each side of each dumpster (including lifting flanges) and the adjacent surface of that enclosure or other containers within that same enclosure to properly service the container. The height of each enclosure shall be 12 inches greater than the highest part of any dumpster or container therein. The size and capacity of dumpster and compact enclosures must be appropriate for the waste and recycling needs of the site as approved by the Public Works department.

(c) Design. Dumpster, compactor, and mechanical equipment enclosures shall have a concrete slab, shall be composed of a finished masonry wall with colors and trim details to match the principal building color, and shall be designed with gates composed of opaque materials, such as PVC or prefabricated metal, painted in an approved color; wood and chain-link gates with or without slats are prohibited.

(d) Landscaping. All dumpsters and trash handling areas shall have hedges planted on the outside of the walls which do not have the gated opening, as well as trees, whenever feasible.

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- (e) Screening. Dumpster and compact enclosures must be screened from view from adjacent properties and public rights-of-way, using fencing, walls, or other appropriate means as approved by the Community Appearance Board.
- (f) Maintenance. Dumpster and compact enclosures must be maintained in a clean and orderly manner, free from overflowing waste and litter, and must be properly secured to prevent unauthorized access.
- (g) Access. Adequate access for waste collection and removal must be provided, and the enclosure must be designed to minimize the impact of waste collection and removal on adjacent properties and the surrounding environment. Access to indoor or outdoor collection stations shall be such that the removal vehicle need not make unnecessary turning or backing movements.
- (h) Drainage. The design of dumpster and compact enclosures must include provisions for proper drainage to prevent the buildup of water and to minimize the impact of stormwater runoff on adjacent properties and the surrounding environment.
- (i) Building Integration. Dumpster enclosure or compactor that are integrated with a primary structure are exempt from the setback and design standards of this section. Community Appearance Board approval shall still be required for the principal structure.
- (j) Compliance with Health and Safety Regulations. Dumpster and compact enclosures must comply with all applicable local, state, and federal health and safety regulations, including regulations related to fire safety, hazardous waste storage, and air quality.

### 505.8 Fences and Walls.

- (a) Fences on residential lots. Fences on a residential lot shall be limited to six feet in height. Barbed wire and other similar material shall not be permitted on a fence or wall within a residential district. Only pressure treated pine, redwood, cypress, black locust and cedar wood shall be acceptable for wood fence construction. All wood fencing shall have a nominal thickness of one inch.  
A fence or wall may be permitted within a required front yard only within the Rural (RL), Estate (E), and Residential Single-family 1 (RS1) zoning districts and not to exceed a height of six feet subject to the requirements of the clear sight triangles contained in this Code.
- (b) Residential parcel perimeter and entry walls. Uniform walls may be erected within a required bufferyard and at the access driveway entrances to residential development parcels. The wall shall be located at the interior edge of a bufferyard. Typical elevations, materials and the location of the wall shall be shown on a final site plan. Barbed wire and other similar material shall not be permitted. Walls shall be designed to discourage graffiti.
- (c) Walls and fences on nonresidential parcels. Walls shall be permitted within a required bufferyard at the perimeter of nonresidential parcels, they shall not be permitted within a required front yard. Fences within nonresidential zoning districts adjacent to residential property shall not exceed eight feet in height. Fences and walls within nonresidential property adjacent to nonresidential property shall not exceed ten feet in height. Barbed wire and other similar material may be placed on a fence which secures a storage or freight area; however, this material shall not be permitted at the perimeter of a property visible from a right-of-way. Typical elevations, materials and the location of the fence shall be shown on a final site plan.
- (d) Fences within easements. Fences, walls and landscaping shall not be permitted within a utility easement prior to the issuance of a permit. To locate a fence or wall in any easement an encroachment agreement shall be required. Said encroachment agreement shall only apply to properties platted after January 1, 1996. If a permit is issued, access to any easements shall be granted when required by any utility. A utility company or franchise shall not be responsible for damage to a fence, wall or landscaping within an easement.
- (e) Maintenance. Fence or wall shall be finished and maintained in good condition and appearance. The finished side of all shadowbox and stockade fences shall face outward to the abutting property or right-of-way; exceptions may be granted for the side and rear

## EXHIBIT C

yard portions of the fence, which are not facing a right-of-way, if there is an existing fence on the adjacent property.

505.9 Pergolas and Gazebos. Pergolas, trellises, and similar structures that have the ability to open and close the roof, whether it be manual or mechanical, and whether its freestanding or attached to the main structure, shall be regulated as a Gazebo consistent with the requirements of Table 505-1. Overhangs may not encroach any more than two (2) feet into the required structural setback and in no case extend past the property line.

Pergolas and Gazebos for non-residential and multifamily developments with four (4) or more dwelling units shall be exempt from the area requirements of Table 505-1.

505.10 Play equipment. Play equipment shall be permitted in any residential district, subject to the following:

- (a) No permanently installed play equipment, except basketball hoops, shall be permitted within the front setback, ten feet of a right-of-way, or within utility, drainage or access easements.
- (b) No play equipment shall use street right-of-way as part of playing area.
- (c) Permanently installed play equipment shall be of a common playground type designed for children.
- (d) All basketball hoops and backboards in front yard areas shall be permitted on the front of the building or on a pole in the driveway only. Basketball poles shall be located no closer than ten feet to any property line.

505.11 Pools and spas. Swimming pools and spas shall be subject to the following:

- (a) All residential swimming pools (including above-ground pools and spas which exceed 24 inches in height) must meet all setback requirements as provided in Table 505-1.
- (b) Any pool for a nonresidential development shall meet the structural setbacks for the district in which it is located, and all required governmental agency standards.
- (c) Safety barrier required, specifications. Swimming pools shall be required to have a permanent non removable safety barrier as provided in this section in addition to the Florida Building Code, as amended from time to time.
  - i. Specifications. No swimming pool final inspection and approval shall be given by the Building, Planning & Zoning department unless there has been erected a safety barrier. The safety barrier shall take the form of a screened-in patio, a fence, a concrete block wall or other method as deemed appropriate by the city's building official. The minimum height of the safety barrier shall be not less than four (4) feet. The safety barrier shall be erected either around the swimming pool or around the premises on which the swimming pool is erected; in either event, it shall enclose the area entirely, prohibiting unrestrained admittance to the enclosed area. Gates shall be of the spring lock type, so that they shall automatically be in a closed position at all times. Gates shall also be equipped with a self-latching lock and shall be locked when the swimming pool is not in use. Water bodies including but not limited to lakes and canals may not be considered or utilize as a safety barrier. Other safety requirements may apply based on the current Florida Building Code.
  - ii. Permits required. Before any work is commenced, permits shall be secured for all swimming pools and for the safety barriers. Plans shall contain all details necessary to show compliance with the terms and conditions of these regulations. No swimming pool permit shall be issued unless simultaneously therewith a permit is secured for the erection of the required safety barrier; if the premises are already enclosed, as herein before provided, a permit for the safety barrier shall not be required, if, upon inspection of the premises, the existing barrier is proven to be satisfactory.
  - iii. Construction specifications of walls and fences. In the wooden type fence, the boards, pickets, louvers, or other such members, shall be spaced, constructed, and erected, so as to make the fence non-climbable and impenetrable. Walls, whether of the rock or block type, shall be so erected to make them non-climbable.

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- iv. *Authority to disapprove barriers.* It shall be within the discretion of the building inspector to refuse approval of any barrier which does not furnish the safety requirements of this regulation, i.e., that it is high enough and so constructed to keep the children of pre-school age from getting over or through it.
- v. *Maintenance of safety barrier; duty of owner, occupant.* It shall be the responsibility of the owner and/or occupant of the premises containing the swimming pool to maintain and keep in proper and safe condition at all times the safety barrier required and erected in accordance with this article.
- vi. *Maintenance of pool; duty of owner, occupant.* It shall be the responsibility of the owner and/or occupant of the premises containing a swimming pool to keep such pool from becoming a health hazard to the community by becoming a breeding ground for mosquitoes, or by any other means. In the event any person owning or occupying the premises containing a swimming pool permits the safety barrier to become in an improper and unsafe condition, or permits the swimming pool to become a health hazard to the community, the city may direct a letter by certified mail to the owner or occupant of such premises, advising such owner or occupant that the city will have such safety barrier put in a proper and safe condition or correct the health hazard of the swimming pool within a period of ten days from receipt of such letter. The city shall be authorized to place a lien on the property not in compliance with this section in order to recover the costs associated with enforcement of this section.
- vii. *Temporary fence to enclose swimming pools while under construction.* No person shall construct or cause to be constructed any swimming pools unless such swimming pool is completely enclosed by a fence with a minimum height of not less than four (4) feet. Such fence may be of a temporary nature but in lieu of a permanent fence, a temporary fence must be erected either around the swimming pool or around the premises on which the swimming pool is under construction; in either event, it shall enclose the area entirely, prohibiting unrestrained admittance to the enclosed area. However, the swimming pool need not be completely enclosed during those periods when an adult person is present on the site and actual construction is in process. This section shall only affect those pools under construction within 140 feet of any residence upon which a certificate of occupancy has been issued. The 140 feet shall be measured from the edge of the swimming pool to the closest property line containing such residence by straight line measure.
- viii. *Utilization of adjacent fencing and other similar barriers.* A property owner may elect to use an existing neighboring fence as part of their swimming pool safety barrier, provided the following requirements are met:
  - i. The fence/barrier must be at least four feet in height and shall not have any gaps, holes, or openings larger than four inches in any dimension, with a self-latching gate.
  - ii. The owner of the pool utilizing a neighboring fence as a safety barrier shall execute a restrictive covenant, recorded in the Broward County Public Records, indicating in the event that the adjacent barrier is damaged or removed, the owner of the pool shall replace the barrier within 30 days to ensure that the replacement barrier continues to comply with the requirements of this section.
  - iii. The swimming pool safety barrier, including any portion that is part of a neighboring fence, shall be subject to inspection by the building inspector to ensure that it meets the requirements of this section.

### 505.12 Rooftop Photovoltaic Solar Systems.

- (a) *Intent.* The provisions contained herein are intended to promote the health, safety, and general welfare of the citizens by removing barriers to the installation of alternative energy systems and encourage the installation of rooftop photovoltaic solar systems pursuant to the U.S. Department of Energy Rooftop Solar Challenge Agreement Number DE-EE0005701 ("Go SOLAR—Broward Rooftop Solar Challenge") on buildings and structures within municipal limits. The provisions and exceptions contained herein are limited to rooftop photovoltaic solar systems permitted through web-based applications for pre-

## EXHIBIT C

- approved rooftop photovoltaic solar system installations that utilize the Go SOLAR-Broward Rooftop Solar Challenge permitting process.
- (b) Permitted accessory equipment. Rooftop photovoltaic solar systems installed pursuant to this subsection shall be deemed permitted accessory equipment to residential and commercial conforming and nonconforming buildings and structures in all zoning categories. Nothing contained in this Land Development Code, including design standards or guidelines included or referenced herein, shall be deemed to prohibit the installation of such rooftop photovoltaic solar systems as accessory equipment to conforming and nonconforming buildings, including buildings containing nonconforming uses.
  - (c) Height. In order to be deemed permitted accessory equipment, the height of rooftop photovoltaic solar systems shall not exceed the roof line, as defined in Chapter 2. For flat roofs with or without a parapet, in order to be deemed accessory equipment, the rooftop photovoltaic solar system shall not be greater than five feet above the roof.
  - (d) Permits. Prior to the issuance of a permit, the property owner(s) must acknowledge, as part of the permit application, that:
    - i. If the property is located in a homeowners' association, condominium association, or otherwise subject to restrictive covenants, the property may be subject to additional regulations or requirements despite the issuance of a permit by the city; and
    - ii. The issuance of said permit for a rooftop photovoltaic solar system does not create in the property owner(s), its, his, her, or their successors and assigns in title, or create in the property itself a right to remain free of shadows and/or obstructions to solar energy caused by development adjoining on other property or the growth of any trees or vegetation on other property or the right to prohibit the development on or growth of any trees or vegetation on another property.
  - (e) Tree maintenance and removal. To the extent that the city has discretion regarding the removal or relocation of trees, solar access shall be a factor taken into consideration when determining whether and where trees may be removed or relocated.
  - (f) Maintenance. The rooftop photovoltaic solar system shall be properly maintained and be kept free from hazards, including, but not limited to, faulty wiring, loose fastenings, being in an unsafe condition or detrimental to public health, safety, or general welfare.

505.13 Utility/Mechanical Equipment. Utility and mechanical used for a building's operation which is located outside the building shall only be located in a rear or side yard. The equipment shall not be located within a utility easement unless it is equipment serving that specific easement. All equipment shall be screened from view by landscape materials as provided for in this Code. These requirements shall not apply to municipal or franchise utilities such as power, phone, cable, communication or drainage equipment which is located within a public utility easement.

TABLE 505-1  
ACCESSORY USES

USES	AREA (square feet)	SPECIFICATIONS	FRONT SETBACK (feet)	SIDE SETBACK (feet)	REAR SETBACK (feet)	PROHIBITED
ANTENNAS, ANTENNA TOWERS AND DISH ANTENNAS:	See Section 505.4					
AWNINGS AND CANOPIES	N/A	See Section 505.5	Same as structure	Same as structure	Same as structure	
CARPORT	N/A	N/A	Same as structure	Same as structure	Same as structure	Polyvinyl Chloride (PVC) pipe
DOCKS	See Section 505.6					
DUMPSTER / COMPACTOR ENCLOSURE	N/A	See Section 505.7	N/A	10	10	Within 25 feet of a residential structure
FENCES AND WALLS	N/A	See Section 505.8	N/A	N/A	N/A	Barbed wire in residential districts
STRUCTURE; DETACHED	750	N/A	Same as structure	Same as structure	Same as structure	No greater than half the square footage of the primary residence
GAZEBO	650	N/A	Not Permitted	6	6	within front yards or within utility, drainage, landscape bufferyard or access easements
PATIOS (COVERED): SINGLE-FAMILY, DUPLEX AND FEE-SIMPLE MULTI- FAMILY LOTS <sup>1</sup>	N/A	Rural (RL), Estate (E), and Residential Single-Family 1 (RS1)	N/A	25	25	within utility, drainage, landscape bufferyard or access easements
		Single-family residential properties	N/A	Same as structure	15	
		Attached multi-family units	N/A	2	15	
		Zero-lot properties	N/A	0/10	15	
PATIOS (OPEN): SINGLE-FAMILY, DUPLEX AND FEE-SIMPLE MULTI- FAMILY LOTS <sup>1</sup>	N/A	Rural (RL), Estate (E), and Residential Single-Family 1 (RS1)	N/A	25	25	within utility, drainage, landscape bufferyard or access easements
		Single-family residential properties	N/A	5	5	
		Attached multi-family units	N/A	2	5	
		Zero-lot properties	N/A	0/10	5	
PERGOLA, TRELLIS	1,000	See Section 505.9	Same as structure	6	6	within utility, drainage, landscape bufferyard or access easements
PLAY EQUIPMENT	See Section 505.10					
POOL AND SPA	N/A	See Section 505.11	N/A	Open patios setback plus 2 feet to water's edge	Open patios setback plus 2 feet to water's edge	within front yards or utility, drainage, landscape bufferyard or access easements
ROOFTOP PHOTOVOLTAIC SOLAR SYSTEMS	See Section 505.12					
SCREEN ENCLOSURE <sup>4</sup>	N/A	Screen roof	N/A	Same as structure	5 <sup>3</sup>	within front yards or easements
		Solid roof		Same as structure	15 <sup>2, 3</sup>	within front yards or easements
UTILITY SHEDS	Maximum 240 sq. ft. Maximum height 10 feet	Rural (RL), Estate (E), and Residential Single-Family 1 (RS1)	N/A	25	25	within front yards or utility, drainage, landscape bufferyard or access easements
	Maximum 100 sq. ft. Maximum height 8 feet	Single-family, duplex, triplex, residential properties	N/A	3	3	
	Maximum 100 sq. ft. Maximum height 8 feet	Multifamily residential properties	N/A	Same as structure	Same as structure	
	Maximum 200 sq. ft. Maximum height 10 feet	Non-residential properties	N/A	Same as structure	10	
UTILITY/MECHANICAL EQUIPMENT	N/A	See Section 505.13	N/A	Same as equipment height	Same as equipment height	within a utility easement unless it is equipment serving that specific easement
WALKWAYS <sup>1, 5</sup>	N/A	Single-family, duplex, triplex, residential properties	N/A	2	2	within front yards or utility, drainage, landscape bufferyard or access easements

<sup>1</sup> Drainage provision. Rainwater runoff must be maintained on the property. Rainwater shall not be allowed to flow onto or across any adjoining property or sidewalk, either public or private. Exception: Rainwater may flow into a street gutter, storm sewer, or storm sewer catch basin if first approved by the engineering department.

<sup>2</sup> Screen enclosures with a solid roof shall be 15' or the same as the structural setback, whichever is less

<sup>3</sup> Except for RL, E and RS1 zoning districts, setbacks a minimum of 25'

<sup>4</sup> No screen enclosure may be converted to an enclosed structure unless the proposed conversion complies with all standards of the applicable zoning district.

<sup>5</sup> The maximum width of the walkway for a residential home shall be no greater than 5 feet

# EXHIBIT E

TABLE 402-5  
ACCESSORY USES—RESIDENTIAL DISTRICTS

	AREA (square feet)	SPECIFICATIONS	SIDE SETBACK (feet)	REAR SETBACK (feet)	PROHIBITED
DUMPSTER/COMPACTOR ENCLOSURE <sup>1</sup>	100 square feet minimum	Concrete slab; enclosed by a finished concrete block wall; landscaped	10	10	Within 25 feet of a residential structure
CARPORT	N/A	N/A	Same as structure	N/A	PVC
PET SHELTER	15	Same as structure	6	6	In front yards or easements
FENCE	N/A	6' height for residential	N/A	N/A	within front yards <sup>2</sup> or within easements <sup>3</sup> barbed wire or uncoated galvanized chain link
GAZEBO	Up to 150 sq. ft. per 5,000 sq. ft. of lot area	N/A	6	6	within front yards or easements
PLAY EQUIPMENT	N/A	N/A	N/A	N/A	Closer than 10 feet to any property line
SCREEN ENCLOSURE	N/A	Screen roof	Same as structure	5 <sup>4</sup>	within front yards or easements
SCREEN ENCLOSURE	N/A	Solid roof	Same as structure	15 <sup>4</sup>	within front yards or easements
WALKWAYS	N/A	N/A	2	2	within easements
UTILITY SHEDS <sup>8</sup>	Up to 100 sq. ft. 6' in height <sup>6</sup>	No more than 1 <sup>5</sup>	3 <sup>7</sup>	3 <sup>7</sup>	within front yards or easements
PATIOS	N/A	N/A	Same as structure	5	within front or side yards or easements
PORTABLE STORAGE UNITS (TUP)	Up to 130 sq. ft. 8' in height	Placed in the driveway; refer to section 405.21	3	Not block any sidewalk. No more than 14 days	
POOL AND SPA	N/A	Required to have a safety barrier	Structural plus 2' to water's edge	7' to water's edge	within front yards or easements
PERGOLA, TRELLIS	Depends on lot size <sup>9</sup>	N/A	6	6	within front yards or easements

# EXHIBIT E

DRIVEWAY	16 ft. width x 18 ft. length	asphalt, concrete or brick pavers	5	N/A	N/A
<sup>1</sup> Only in RM zoning districts <sup>2</sup> Except in Rural and Estate districts <sup>3</sup> An encroachment agreement shall be required <sup>4</sup> Screen enclosures with a solid roof shall be 15' or the same as the structural setback, whichever is less <sup>5</sup> Except for RL, E and RS1 zoning districts, a maximum of two sheds shall be permitted <sup>6</sup> Except for RL, E and RS1 zoning districts, up to 240 sq. ft. of total combined and 10' in height <sup>7</sup> Except for RL, E and RS1 zoning districts, setbacks a minimum of 25' <sup>8</sup> Subject to landscape bufferyard requirements in RM districts <sup>9</sup> Properties less than a ¼ acre: 250 sq. ft.; greater than ¼ acre up to 2 up to 500 sq. ft.; and greater than 2 acres up to 1,000 sq. ft.					

## EXHIBIT F

### *Section 808. - Off-Street Parking and Loading Standards.*

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*808.1.5. Size and Character or Required Parking.* The following design requirements shall be observed for off-street parking:

(a) *Size.* Each parking space required and provided pursuant to the provisions of this article shall be not less than nine feet in width and 18 feet in length. See figure 808-1. ~~Detached single-family dwelling units with two or less bedrooms shall have a minimum of one car garage. All one car garages shall provide a single parking space of nine feet by 18 feet, free from all obstructions. Detached single-family dwelling units with three or more bedrooms shall have a two-car garage. All two-car garages shall provide two parking spaces consisting of an 18 feet by 18 feet unobstructed space.~~

~~The city manager shall have the authority to grant administrative variances from the foregoing requirements of this subsection for lots created by a recorded plat prior to December 1, 1997, located east of Palm Avenue. In no case shall an administrative variance be granted for any property enclosing an existing garage or carport. The administrative variance may be granted in those cases where a property owner is proposing an expansion of an existing single-family home or existing duplex subject to the conditions contained herein provided the construction activity complies with the following conditions:~~

~~1) The expansion involves the addition of a room other than a bedroom, in which case the provision of additional parking shall not be required. The determination of whether a room is a bedroom shall be at the discretion of the community development director.~~

~~2) An administrative variance may be granted if the expansion involves the addition of one or more bedrooms provided the lot contains at least three parking spaces, a garage or carport shall count toward the required parking. If the property does not have a garage or carport, the three required spaces must be provided in a paved driveway which meets this Code's driveway design standards. (Ord. No. 98-19, § 2, 2-4-98)~~



## **City of Miramar**

### **Building, Planning & Zoning Department**

### **Standards for Reviewing LDC Amendments**

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## **I. Project Summary**

**Project Name:** Land Development Code Chapter 2 and Section 505 Amendments

**Application Summary:** Amending portions of the Land Development Code; creating a new subsection regarding accessory uses and standards; repealing Section 809, Accessory Uses and Standards; repealing Table 402-5 Accessory Uses—Residential Districts, within Section 402 Residential Zoning Districts, within Chapter 4 Zoning; creating new Section 505, Accessory Uses and Standards; revising Chapter 2, Definitions.

## **II. Background**

The purpose of this amendment to the Land Development Code is to provide clear and concise standards for accessory uses in the City, based on careful research and analysis of development patterns both within the City and in surrounding areas. The City has utilized best practices and industry standards in developing these new standards in addition to allow for greater flexibility in accommodating new accessory uses as they arise and believes that they will be effective in promoting responsible and sustainable development within the City.

Overall, the proposed amendment to the Land Development Code is intended to improve the clarity and consistency of the code while also addressing specific issues related to accessory uses. We believe that these changes will benefit both residents and developers in the city.

## Review Criteria

The City's Land Development Code, LDC, (Section 302.7) provides that amendments to the Land Development Code may only be granted if a preponderance of the evidence demonstrates that the conditions listed herein are met.

**(1) *The proposed amendment is legally required:***

**Staff's Evaluation:** The proposed amendment is legally required as to ensure that proposed developments which are submitted to the city are reviewed in a consistent manner. As these amendments are related to accessory uses and definitions. These regulations are proposed to ensure the consistency and the vision of the city through the goals, objectives, and policies of the Comprehensive Plan by action of the City Commission.

**(2) *The proposed amendment is consistent with the goals, objectives, and policies of the comprehensive plan:***

**Staff's Evaluation:** The proposed amendments are consistent with the goals of the comprehensive plan through its policies specifically with residential and nonresidential development proposals, specifically:

**Goal** - Maintain a long-range future land use pattern which promotes the orderly and well-managed growth and development of the community, producing quality neighborhoods, enhancing the city's aesthetic appeal, conserving the natural environment and open space, supporting a vibrant economic tax base, and minimizing risks to the public's health, safety and welfare.

**Objective 1** - Promote orderly and beneficial growth and development of the community through the adoption, implementation and consistent updating of this Future Land Use Element. Eliminate land uses which are inconsistent with Miramar's character and do not contribute to the quality of life desired by its citizens by 2020.

**Objective 2** - By 2020, complete the full revision of the Land Development Code, which will ensure the protection of natural resources, discourage urban sprawl, promote "Smart Growth" and energy efficient development and land use patterns which account for existing and future electrical power generation and transmission systems in an effort to reduce greenhouse gases, encourage the use of innovative land development techniques, promote community aesthetics, ensure the availability of the infrastructure needed to support development, and comply with the Broward County Land Use Plan.

**Policy 2.1** - The City shall enforce the Land Development Code provisions for minimum adequate stormwater management including wetland preservation/restoration, open space, including historic and archaeological sites, safe and convenient on- site traffic flow, adequate parking, landscaping and signage and standards and clustering of residential units, by 2020.

**Policy 5E.3** - Maintain and improve existing architectural, site, signage, lighting and landscaping design standards contained in the City's Land Development Code to guide the recommendations of City staff and the decisions of the Planning and Zoning Board, and City Commission.

***(3) The proposed amendment is consistent with the authority and purpose of this Code:***

**Staff's Evaluation:** The proposed amendments are consistent with the authority and purpose of this code as it clarifies inconsistency issues with permitted uses and provides the ability for new and trending uses applicants may propose to the city for permitting at the administration's discretion. These amendments allow for a consistent and streamlined approach for the proposed development in the city.

***(4) The proposed amendment furthers the orderly development of the city:***

**Staff's Evaluation:** The proposed amendments provide the ability for orderly development within the city as it provides clear regulations for development standards and where structures can be placed on a development site. The standards also provide the type of uses allowed on a subject property.

***(5) The proposed amendment promotes sustainability and efficiency of the city and whether the proposed amendment promotes the public health, safety, welfare, and aesthetics:***

**Staff's Evaluation:** The proposed amendment promotes sustainability and efficiency in the city as the amendment define and assist with permitting various accessory uses.

***(6) The proposed amendment improves the administration or execution of the development process:***

**Staff's Evaluation:** The proposed amendment improves the administration and execution of the development process by maintaining a clear understanding of allowable uses and providing a streamline review and approval process. In addition, allowing permitted accessory uses such as detached garages and the ability to administratively permit uses not specifically defined encourages creativity and diversity while maintaining orderly development.

### **III. Staff Recommendation**

Staff recommends approval of these amendments.